

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

MAY 11, 2010

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, May 11, 2010, was called to order by Mayor/Chair Mark Lewis at 3:00 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California. This meeting was adjourned from the Adjourned Regular Joint meeting held at 7:00 p.m. on April 27, 2010.

ROLL CALL

Council/Agencymembers present:	Hanson-Cox, Kendrick, McClellan
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair present:	Wells
Mayor/Chair present:	Lewis
Other Officers present:	Rutledge, City Clerk/Secretary Foley, City Attorney/General Counsel Henry, City Manager/Executive Director Turner, Deputy City Manager/Director of Public Works Ayres, Director of Community Development

PLEDGE OF ALLEGIANCE TO FLAG led by Mayor Lewis and MOMENT OF SILENCE. (The Courts have concluded that sectarian prayer as part of City Council Meetings is not permitted under the Constitution).

POSTINGS: The City Clerk posted Orders of Adjournment of the April 27, 2010, meetings and the Agenda of the May 11, 2010, meetings in accordance to State Law and Council/Agency Policy.

PRESENTATIONS:

- **“Bike to Work Week” - May 17 – 21, 2010**
- **“National Public Works Week” – May 16 – 22, 2010**
- **“Building Safety Month” – May 2010**
- **“Set Free Day” – May 22, 2010**

AGENDA CHANGES:

MOTION BY LEWIS, SECOND BY HANSON-COX, to Remove Item 15.2 from the Agenda, as requested by City Manager Henry.

MOTION CARRIES BY UNANIMOUS VOTE.

CONSENT ITEMS: (1.1 – 1.9)

MOTION BY LEWIS, SECOND BY HANSON-COX, to approve Consent Items 1.1 to 1.8, pulling Item 1.9, as requested by HANSON-COX.

MOTION CARRIES BY UNANIMOUS VOTE.

1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS

Approve Minutes of the April 27, 2010, meetings of the El Cajon City Council/Redevelopment Agency.

1.2 WARRANTS

Approve payment of Warrants as submitted by the Finance Department.

1.3 APPROVAL OF READING BY TITLE AND WAIVER OF READING IN FULL OF ORDINANCES ON AGENDA

Approve the reading by title and waive the reading in full of all Ordinances on the Agenda.

1.4 AMENDMENT TO HEARTLAND FIRE TRAINING FACILITY AUTHORITY AGREEMENT (Report: Fire Chief)

Authorize the First Amendment to the Heartland Fire Training Facility Authority Joint Powers Agreement attached to the Agenda Report as Attachment #1.

CONSENT ITEMS: (Continued)

1.5 TENTATIVE AGREEMENT WITH THE EL CAJON POLICE OFFICERS' ASSOCIATION MANAGEMENT GROUP (Report: Director of Human Resources)

Approve the tentative agreement reached with the El Cajon Police Officers' Association Management Group and authorize the City Manager to execute the final Memorandum of Understanding implementing the terms outlined and adopt RESOLUTION NO. 46-10, if approved.

1.6 COMMUNITY EVENT IN THE RIGHT-OF-WAY – EIGHTH ANNUAL OLAF WIEGHORST WESTERN HERITAGE DAYS (Report: Deputy City Manager/Director of Finance)

Concur with the City's Special Events Committee and approve the request for a Community Event in the right-of-way to be held on June 5 and June 6, 2010, subject to conditions listed in the Agenda Report.

1.7 JULY 4TH PICNIC AT KENNEDY PARK (Report: Director of Recreation)

Approve vendors to sell in Kennedy Park associated with the July 4th picnic and fireworks.

1.8 RADIO EQUIPMENT PURCHASE (Report: Purchasing Agent)

Authorize the Purchasing Agent in accordance with Municipal Code 3.20.120 to execute a purchase agreement with Motorola, Inc. utilizing San Diego County RCS Contract #43095 for the purchase of radio equipment in the amount of \$103,351.72.

Pulled for Discussion:

1.9 PURCHASE OF MICROSOFT LICENSING AND ASSURANCE ENTERPRISE AGREEMENT (Report: Purchasing Agent)

RECOMMENDATION: That the City Council authorize the Purchasing Agent in accordance with Municipal Code 3.20.120 to execute a three-year purchase agreement with CompuCom in accordance with the Microsoft Volume Licensing State and Local Enterprise Enrollment under the Riverside County Enterprise Master Agreement No. 01E69633 for purchase of Microsoft License and Software Assurance Enterprise Agreement.

ITEM PULLED FROM CONSENT CALENDAR FOR DISCUSSION:

1.9 PURCHASE OF MICROSOFT LICENSING AND ASSURANCE ENTERPRISE AGREEMENT (Report: Purchasing Agent)

RECOMMENDATION: That the City Council authorize the Purchasing Agent in accordance with Municipal Code 3.20.120 to execute a three-year purchase agreement with CompuCom in accordance with the Microsoft Volume Licensing State and Local Enterprise Enrollment under the Riverside County Enterprise Master Agreement No. 01E69633 for purchase of Microsoft License and Software Assurance Enterprise Agreement.

DISCUSSION

In response to questions by Councilmember Hanson-Cox, City Manager Henry clarifies this agreement provides an opportunity to upgrade all computers with no interest charges, and provide upgrades after the 2007 version, at no charge.

No further comments are made.

MOTION BY LEWIS, SECOND BY HANSON-COX, to APPROVE Item 1.9 as recommended by Staff.

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC COMMENT:

Geoff Ferber, representing San Diego Car Club Council, suggests the City install a flagpole to honor racecar driver Jimmie Johnson, as the American flag should be displayed at each car show.

Mayor Lewis advises that the City Manager will report to Council on suggestions received to honor Jimmie Johnson.

Ross Provence invites everyone to the Olaf Wieghorst Western Heritage Days event on June 5th and 6th.

PUBLIC COMMENT: (Continued)

The following spoke about services provided by Set Free/East County Transitional Living Center:

Gregg Barnes
Angela Hein
Keri Grendysa
Sean Oliver
Luke DeLeseleuc
Denise Valence
Tanya Labadie

Mayor Lewis discusses upcoming events in the City.

Councilmember McClellan reads a statement about John Quincy Adams.

Jillian Hanson-Cox expresses her feelings about cities in San Diego County having to hand over \$2.5 billion to the State of California. She asks citizens to write to Governor Schwarzenegger to request that they stop stealing money from cities.

2. WRITTEN COMMUNICATIONS: None

3. PUBLIC HEARINGS:

3.1 NUISANCE ABATEMENT AT 1140 NARANCA AVENUE (Report: Building Official/Fire Marshal) (Continued from April 13, 2010)

RECOMMENDATION: That the City Council

- Continue the Public Hearing and receive testimony;
- Close the Public Hearing;
- Deem appropriate the actions taken by the code enforcement officer in this case;
- Make a determination regarding Staff time and administrative fees in this case;
- Assess Staff time and administrative costs;
- Direct Staff to bill the property owner for fees and administrative costs as appropriate, with any unpaid balance to be placed on the property as a tax lien if not paid within 90 days; and
- Adopt the next RESOLUTION in order pursuant to the recommendations listed above.

ITEM 3.1 (Continued)

DISCUSSION

The Public Hearing is still Open.

Dan Pavao, Building Official/Fire Marshal, provides a summary of the Item and recommends seeking cost recovery associated with the removal of the camper on the property.

Bill Hileman, representing his uncle, the property owner, speaks about problems they have had for the past year and a half, trying to get squatters and transients off the property. He thanks **Mr. Pavao** for his help, and requests that **Council** waive fees, as they tried to take care of the problems as soon as they were aware of them. The house is currently in escrow and is being sold.

In response to questions by **Mayor Lewis, Mr., Hileman** states the camper that was on the property belonged to an acquaintance of his son, and it has been removed.

No one else comes forward to speak.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Close the Public Hearing.

MOTION CARRIES BY UNANIMOUS VOTE.

In response to questions by **Councilmember McClellan, City Attorney Foley** clarifies that full assessment of fees totaling \$882.00 will be made, and a Notice of Restriction will be prepared and recorded against the property. The fines should be picked up when the escrow closes.

Mayor Lewis states the City is just trying to recoup its costs, to protect taxpayers.

No further comments are made.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to 1) Deem appropriate the actions taken by the code enforcement officer in this case; 2) Determine staff time costs to be \$268.89 and administrative fees of \$615.00; 3) Assess staff time and administrative costs totaling \$883.89; 4) Direct staff to bill the property owner for fees and administrative costs as appropriate, with any unpaid balance to be placed on the property as a tax lien if not paid within 90 days; and 4) Adopt RESOLUTION NO. 47-10 pursuant to the recommendations listed above.

MOTION CARRIES BY UNANIMOUS VOTE.

3.2 SUBSTANDARD CONDITIONS AT 921 GRAY DRIVE (Report: Building Official/Fire Marshal)

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;
- Deem appropriate the Building Official/Fire Marshal's actions in this case;
- Direct staff to begin accrual of civil penalties starting May 12, 2010;
- Direct staff to monitor the condition of the property and take action as appropriate with regard to keeping the structure secure; and
- Return to Council for final resolution and determination of staff time, administrative fees and civil penalties at the resolution of this case.

DISCUSSION

Mayor Lewis announces the Public Hearing is now Open.

Dan Pavao, Building Official/Fire Marshal provides a summary of the Item.

Discussion ensues among **Council** and **Staff** concerning safety issues and the lack of electricity and water on the property.

Charles Hebert advises that he recently acquired the property, has cleaned it up inside and out, and will make it livable. He states the property was in violation before he purchased it, and he wonders why the problems weren't resolved previously.

Mayor Lewis responds that the property owner is responsible party for the violations, and the City made efforts to address the problems as quickly as possible, while adhering to legal guidelines.

Building Official/Fire Marshal Pavao indicates that the costs for boarding was \$1,288 and with staff time and administrative costs, the amount due is \$3,168.98

City Attorney Foley responds to comments by the speaker regarding the timing of the City's action and advises there is no obligation for the City to take the proactive action, as the speaker suggests. The records reflect that a letter was addressed to the speaker back in November 2009, identifying these same violations, so it should not have come as a surprise that there were problems with the property.

Additionally, **City Attorney Foley** summarizes the sequence of events pertaining to noticing of the previous public hearing, and remedies made leading up to today's public hearing.

ITEM 3.2 (Continued)

Mayor Lewis acknowledges the comments by **Mr. Hebert** concerning their efforts to go through the legal system to remove the vagrants, and advises that **Council** will give consideration to his request for leniency with regard to the fines.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Close the Public Hearing.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to 1) Deem appropriate the Building Official/Fire Marshal's actions in this case; 2) Direct staff to begin accrual of civil penalties starting May 12, 2010; 3) Direct staff to monitor the condition of the property and take action as appropriate with regard to keeping the structure secure; and 4) Return to Council for final resolution and determination of staff time, administrative fees and civil penalties at the resolution of this case.

City Attorney Foley indicates that **Building Official/Fire Marshal Pavao** feels there may not be accrual of any civil penalties, as he believes the property owner has abated the nuisance. He will conduct an inspection tomorrow, to verify the status. The Item will be brought back to **Council**, at the conclusion of the case, for final determination of fees, including staff time, administrative fees, costs for boarding, and civil penalties, if any.

MOTION CARRIES BY UNANIMOUS VOTE.

4. ADMINISTRATIVE REPORTS: None

5. COMMISSION REPORTS: None

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6. ACTIVITIES REPORTS OF MAYOR LEWIS

SANDAG (San Diego Association of Governments); SANDAG (Chair, Public Safety Committee); SANDAG (Quality of Life Ad Hoc Steering Committee); LAFCO (Local Agency Formation Commission).

6.1 SANDAG Board of Directors Agenda – April 23, 2010

6.2 Local Agency Formation Commission Agenda – May 3, 2010

6.3 LAFCO Bulletin – April-May 2010

REPORTS AS STATED.

ACTIVITIES REPORTS OF COUNCILMEMBERS

7.

MAYOR PRO TEM BILL WELLS

METRO Commission/Wastewater JPA; East County Economic Development Council; Heartland Fire Training JPA - Alternate.

7.1 Council Activities Report

Mayor Pro Tem Wells adds to his report, indicating that on May 7th, he attended the East County Chamber of Commerce First Friday Breakfast and gave the State of the City address.

8.

COUNCILMEMBER JILLIAN HANSON-COX

SANDAG (San Diego Association of Governments - Alternate); SANDAG (Public Safety Committee – Alternate); MTS (Metropolitan Transit System Board – Alternate); League of California Cities, San Diego Division; East San Diego County Gang Task Force.

8.1 Verbal Report

Councilmember Hanson-Cox states that she has been ill recently, but did a press conference yesterday and will provide a report at the next meeting.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

9.

COUNCILMEMBER GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA.

9.1 Council Activities Report

REPORT AS STATED.

10.

COUNCILMEMBER BOB McCLELLAN

Harry Griffen Park Joint Steering Committee; Heartland Communications JPA – Alternate; MTS (Metropolitan Transit System Board).

10.1 No Report

Councilmember McClellan reports he attended the Harry Griffen Park Joint Steering Committee meeting this morning.

11. LEGISLATIVE REPORT

11.1 League of California Cities Legislative Bulletin dated April 23 and 30, 2010 – *City Advocate Weekly*

Councilmember Hanson-Cox indicates she attended a press conference with representatives from several cities, concerning the State's raiding of redevelopment funds from cities, and the subsequent effect on jobs and local economy. She will report on upcoming legislative bills at the next meeting.

12. GENERAL INFORMATION ITEMS FOR DISCUSSION: None

13. ORDINANCES: FIRST READING

13.1 SPECIFIC PLAN NO. 519

RECOMMENDATION: That the City Council

- Make a MOTION, and second to introduce the Ordinance
- Discussion
- Vote
- If approved, the Mayor requests the City Clerk to recite the title

An Ordinance approving Specific Plan No. 519 for interconnecting access between structures on adjacent properties in lieu of a lot consolidation in the Regional Commercial (C-R) Zone, APNs: 488-083-20, -21, -22 & -23, General Plan Designation: Regional Commercial (RC)/Special Development Area No. 9 (SDA #9)

MOTION BY LEWIS, SECOND BY WELLS, to introduce the ordinance.

DISCUSSION

No one comes forward to speak.

MOTION CARRIES BY UNANIMOUS VOTE.

The **City Clerk** recites the title of the ordinance for a first reading.

14. ORDINANCES: SECOND READING AND ADOPTION - None

15. CLOSED SESSIONS

RECOMMENDATION: That the City Council/Redevelopment Agency adjourn to Closed Session as follows:

15.1

- **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to subdivision (a) of Government Code Section 54956.9:**

Chad Wall, as Successor in Interest of Dean Wall, deceased, et al.
v. State of California, et al.
San Diego Superior Court Case No. 37-2010-00065464-CU-PA-EC

CLOSED SESSIONS: (Continued)

**THROUGH EARLIER ACTION, THIS ITEM WAS REMOVED FROM THE AGENDA:
15.2**

- **CONFERENCE WITH LABOR NEGOTIATOR – Pursuant to Government Code Section 54957.6**

Agency Designated Representatives:

Kathi Henry
Nancy Palm
Joan Ward

Employee Organizations:

El Cajon Professional Firefighters International Association of Fire
Fighters Local 4603
El Cajon Police Officers Association

15.3

- **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to subdivision (a) of Government Code Section 54956.9:**

City of El Cajon v. County of San Diego Local Agency Formation Commission
Superior Court of California, County of Orange
Case No.: 06CC13348

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adjourn to Closed Session at 4:34 p.m.

MOTION CARRIES BY UNANIMOUS VOTE.

City Attorney Foley states he will not participate in 15.3 as his law firm has a conflict of interest with the Item.

16. RECONVENE TO OPEN SESSION AT 4:59 P.M.

City Attorney Foley reports the following actions:

- 15.1** On **MOTION BY LEWIS, SECOND BY KENDRICK**, and by **UNANIMOUS VOTE**, the **Council** voted to deny the application for Leave to File Late Claim.
- 15.2** (This Item was previously removed from the Agenda at request of City Manager, under Agenda Changes)
- 15.3** Direction was given to the City's Legal Counsel.

Adjournment: Mayor Lewis adjourned the Regular Joint Meeting of the City Council/ Redevelopment Agency held this 11th day of May, 2010, at 5:00 p.m. to Tuesday, May 11, 2010, at 7:00 p.m.

**KATHIE J. RUTLEDGE, CMC
City Clerk/Secretary**

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

MAY 11, 2010

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, May 11, 2010, was called to order by Mayor/Chair Mark Lewis at 7:02 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California. This meeting was adjourned from the Adjourned Regular Joint Meeting held at 3:00 p.m., Tuesday, May 11, 2010, by order of the City Council and Redevelopment Agency.

ROLL CALL

Council/Agencymembers present:	Hanson-Cox, Kendrick, McClellan
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair present:	Wells
Mayor/Chair present:	Lewis
Other Officers present:	Hawley, Acting City Clerk/Secretary Foley, City Attorney/General Counsel Henry, City Manager/Executive Director Turner, Deputy City Manager/Director of Public Works Ayres, Director of Community Development

PLEDGE OF ALLEGIANCE TO FLAG and MOMENT OF SILENCE.

(The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution)

AGENDA CHANGES: None

PUBLIC COMMENT: None

PUBLIC HEARINGS:

100 CONDITIONAL USE PERMIT NO. 2115 (MINOR) – REQUEST TO ESTABLISH A MEETING HALL WITH BANQUET FACILITIES, ON-SALE ALCOHOL, AND REDUCED PARKING - 143 EAST MAIN STREET (Report: Director of Community Development) (Continued from April 27, 2010)

RECOMMENDATION: That the City Council

- Continue the Public Hearing and receive testimony;
- Close the Public Hearing; and
- Adopt the next RESOLUTION in order DENYING Conditional Use Permit No. 2115.

DISCUSSION

The Public Hearing is still Open.

No one comes forward to speak.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to refer the Item back to the Planning Commission, as requested by the applicant, so he can amend the application of Conditional Use Permit 2115.

MOTION CARRIES BY UNANIMOUS VOTE.

101. ITEMS CONTINUED FROM THE 3:00 P.M. MEETING: None

ADJOURNMENT: Mayor Lewis adjourned the Adjourned Regular Joint Meeting of the City Council and the Redevelopment Agency held this 11th day of May 2010, at 7:05 p.m. to Tuesday, May 25, 2010, at 3:00 p.m.

BELINDA A. HAWLEY
Acting City Clerk/Secretary